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**To:** Microsoft ATR  
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I found on the Internet that citizens may comment on the proposed settlement of the Microsoft case. Therefore, I offer these thoughts: The proposed settlement is a travesty. It is the desired product of a clever defendant who has found a prosecutor eager to throw Br'er Rabbit back in the briar patch.

The settlement fails to honor the verdict of the trial court and the unanimous conclusion of appellate judges. It even defies common sense, because it leaves a monopolist in undisturbed control of the market. PC shoppers will continue to find no choice but machines in which Microsoft's operating system has already been installed. (Apple doesn't count, because it has a miniscule and declining percentage of the market.)

Pre-installation of the operating system means the consumer cannot know what is being paid for Windows, and what the price would be if the computer came with no operating system or an alternative system. Worse, it effectively defines other software options, leveraging Microsoft's power. The only answer is a remedy that prevents Microsoft from preventing consumers from making an informed choice. The consumer must be offered a true choice. This requires two things. First, that Windows be "un-bundled," so that computers be offered and priced on the basis of all of these options: with no operating system included, with a sysem such as Linux, and with the buyer's choice of Windows ME, 98SE, 2000 or XP. (The latter choice is necessary to prevent Microsoft from forcing consumers to accept Windows XP's special "hooks" that will lead to control of software application markets Microsoft doesn't already dominate.)

Second, Microsoft must be forced to allow the natural development of alternative operating systems. Its 90% control of the word processing/spreadsheet/etc. office software package market is part and parcel of its monopolist power; Office strengthens Windows, and Windows strengthens Office. Accordingly, Microsoft must be compelled to develop or license versions of Office for Linux (and any other competitive system that may arrive), much as it currently does for Apple's machines. This must continue to be required as long as either Windows' or Office's share of the "IBM-compatible" market is greater than fifty percent. Only when Microsoft voluntarily chooses to market application software on a non-discriminatory basis can one conclude its monopolist personality has changed.

In sum, the acid test of a settlement should be this: if the defendant is happy to enter into it, then the prosecution has been duped and justice will be denied. -- Gerald Starr, Norman, Oklahoma